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EXAMINER

SHAW, PELING ANDY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,547	Applicant(s) GUPTA ET AL.	
	Examiner PELING A. SHAW	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/30/08</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Amendment received on 09/30/2008 has been entered into record. Claims 1 and 5-7 are amended. Claim 3 is canceled. Claims 1-2 and 4-26 are currently pending.
2. Preliminary amendment received on 11/02/2007 was entered into record. Claims 1-3, 10 and 12 were amended. Claims 13-26 were new.

Priority

3. The current application is a continuation of 09/153,664 filed on 09/15/1998. The filing date is 08/25/2003.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-16, 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff et al. (US 5822537 A), hereinafter referred as Katseff and further in view of Kalra et al. (US 5953506 A), hereinafter referred as Kalra.

- a. Katseff shows (claim 1) a method of obtaining and presenting multimedia content (abstract: record and distribute multimedia presentations including video and audio data), the method comprising the following steps: storing multiple media streams at a network server corresponding to the multimedia content, the multiple media streams including streams corresponding to at least first and second media types (abstract:

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store multimedia presentations with any supplemental materials including video and audio data), the media streams of the first type having different timelines (column 16, lines 33-37: play audio at a reduced speed), and the media streams of the second type having different timelines, being of varying quality, and requiring varying bandwidth (column 15, lines 25-37: reduce the requested video playback rate), wherein media types of the first and second types can be rendered in combination to produce multimedia content (column 15, lines 25-37: reduce the requested video playback rate); selecting the multimedia content that is available from the network server to be rendered at a network client (column 2, lines 34-44: user selects a desired page); accepting a speed designation at the network client from a human user independently of the selecting step (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed); composing a composite media stream that represents the multimedia content by selecting one of the media streams of the first type with a timeline that accords with the speed designation, wherein said selected one of the media streams of the first type consumes part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); and selecting one of the media streams of the second type that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the selected one of the media streams of the first type (column 2, lines 34-44: select the desired page or portion of supplemental material,

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- e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected); streaming the composite media stream from the network server, the composite media stream representing the selected multimedia content (column 13, lines 61-column 14, line 6: the data being request from the storage and retrieval system); rendering the composite media stream as it is streamed to produce the multimedia content at the network client (column 13, lines 61-column 14, line 6: video and audio outputs to workstation); and varying the speed of the multimedia content depending on the speed designation from the human user (column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system). Katseff does not explicitly show (claim 1) determining available bandwidth from the network server to the network client. However Katseff also shows (column 2, lines 44-55) audio has preference over video and video frame retrieval rate is based upon traffic conditions; (column 2, lines 55-64) the network multimedia system transmits only audio data when network congestion conditions are extreme; and (column 3, lines 58-67) the network multimedia system accommodates the low bandwidth.
- b. Kalra shows (claim 1) determining available bandwidth from the network server to the network client (column 16, line 49, column 17, line 3: determine bandwidth available) in an analogous art of providing a scalable media delivery system.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by

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- monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to explicitly state determining the bandwidth as per Kalra's teaching as it is used in managing congestion control as per Katseff (abstract) and Kalra (column 15, line 66-column 16, line 17)'s teaching.
- e. Regarding claim 2, Katseff shows wherein: the composite media stream has a timeline (column 11, lines 47-59: time stamp or other counter which may serve as an index into the recorded blackboard annotation events can be presented with the video frames that is referred); and the step of varying the speed of the multimedia content is performed by altering the timeline of the composite media stream at the network server before streaming the composite media stream (column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied).
- f. Regarding claim 4, Katseff shows a computer-readable storage medium containing a program for streaming multimedia content to a network client, the program having instructions that are executable by a network server (claim 7: computer-readable storage medium/program; abstract: record and distribute multimedia presentations including video and audio data) to perform steps comprising: receiving a speed designation for playback of the multimedia content at a network client (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed); composing a

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- composite media stream that represents the multimedia content, the composite media stream having a timeline that is modified in accordance with the speed designation (abstract and claim 7: multimedia presentation including video and audio; column 11, lines 47-59: time stamp or other counter which may serve as an index into the recorded blackboard annotation events can be presented with the video frames that is referred); streaming the timeline-modified composite media stream from the network server to the network client (column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied).
- g. Regarding claim 5, Katseff shows further comprising: storing multiple media streams at the network server corresponding to the multimedia content, said multiple media streams having different timelines and including streams corresponding to at least first and second media types, wherein media types of the first and second types can be rendered in combination to produce the multimedia content (abstract: store multimedia presentations with any supplemental materials; column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied; abstract and claim 7: multimedia presentations includes video and audio); the step of composing a composite media stream comprising a step of selecting those stored media streams of the first and second types that have modified timelines according with the speed designation (abstract and claim 7: multimedia presentation including video and audio; column 11, lines 47-59: time stamp or other counter which may serve as an index into the recorded blackboard annotation events can be presented with the video frames that is referred).

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- h. Regarding claim 6, Katseff ~~shows~~ further comprising storing multiple media streams at the network server corresponding to the multimedia content, the multiple media streams including streams corresponding to at least first and second media types, wherein media types of the first and second types can be rendered in combination to produce the multimedia content (abstract: store multimedia presentations with any supplemental materials including video and audio data); the media streams of the first type having different timelines (column 16, lines 33-37: play audio at a reduced speed); the media streams of the second type being of varying quality and requiring varying bandwidth (column 15, lines 25-37: reduce the requested video playback rate); wherein the composing step comprises: selecting one of the media streams of the first type that accords with the speed designation, wherein said selected one of the media streams of the first type consumes part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); selecting one of the media streams of the second type that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the selected one of the media streams of the first type (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected). Kalra ~~shows~~ determining

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- available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available).
- i. Regarding claim 7, Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available). Katseff shows storing a plurality of audio streams representing the multimedia content, the audio streams having different timelines (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 16, lines 33-37: play audio at a reduced speed); storing a plurality of video streams representing the multimedia content, the video streams being of varying quality and requiring varying bandwidth (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 15, lines 25-37: reduce the requested video playback rate); wherein one of the audio streams and one of the video streams can be rendered in combination to produce the multimedia content (abstract: record and distribute multimedia presentations including video and audio data); wherein the composing step comprises: selecting one of the audio streams having a timeline that accords with the speed designation, wherein said selected audio stream consumes part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); selecting one of the video streams that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the selected audio stream (column 2, lines

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- 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected).
- j. Regarding claim 8, Kalra ~~shows~~ determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available). Katseff ~~shows~~ storing an audio stream representing the multimedia content (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 16, lines 33-37: play audio at a reduced speed); storing a plurality of video streams representing the multimedia content, the video streams being of varying quality and requiring varying bandwidth (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 15, lines 25-37: reduce the requested video playback rate); wherein the audio streams and one of the video streams can be rendered in combination to produce the multimedia content (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); wherein the composing step comprises selecting one of the video streams that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the audio stream when streamed at a rate that is proportional to the speed designation (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64:

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- video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected).
- k. Regarding claim 9, Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available). Katseff shows storing an audio stream representing the multimedia content (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 16, lines 33-37: play audio at a reduced speed); storing a plurality of video streams representing the multimedia content, the video streams having different timelines and requiring varying bandwidth (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 15, lines 25-37: reduce the requested video playback rate); wherein the audio streams and one of the video streams can be rendered in combination to produce the multimedia content (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); wherein the composing step comprises selecting one of the video streams that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the audio stream when streamed at a rate that is proportional to the speed designation (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme

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conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected).

1. Regarding claim 10, Katseff shows a method of obtaining and presenting multimedia content, the method comprising: selecting multimedia content that is available from a network server, the multimedia content having first and second types of media content column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected; accepting a speed designation for playback of the multimedia content at a network client (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed); streaming a first individual media stream from the network server to the network client at a rate that is proportional to the speed designation, the first individual media stream representing the first type of media content and consuming part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); selecting a second individual media stream that represents the second type of media content, the second individual media stream being selected to have a quality that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the first individual media stream (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64:

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- video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected); streaming the second individual media stream from the network server to the network client (column 13, lines 61-column 14, line 6: the data being request from the storage and retrieval system) (per Fig. 3 seems to mean a combined stream; composite stream seems to be of no relevant to accepting step); modifying the timeline of the first individual media stream at the network client in accordance with the speed designation (claims 5 and 11; column 16, lines 32-37: pitch extraction process); rendering the first and second individual media streams at the network client (column 13, lines 61-column 14, line 6: video and audio outputs to workstation). Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available).
- m. Regarding claim 11, Katseff shows wherein the first individual media stream is an audio stream and the second individual media stream is a video stream (column 13, lines 61-column 14, line 6: video and audio outputs to workstation).
- n. Regarding claim 12, Katseff shows comprising a further step of modifying the timeline of the second individual media stream in accordance with the speed designation before it is streamed to the network client (column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- o. Regarding claim 13, Katseff shows wherein the streaming comprises streaming the composite media stream from the network server at a rate that depends on the speed

- designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- p. Regarding claim 14, Katseff shows wherein the streaming comprises streaming the composite media stream from the network server at a rate that is proportional to the speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- q. Regarding claim 15, Katseff shows wherein the varying comprises: receiving, from the network server, a composite media stream having a timeline that had been altered (column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied); further modifying, at the network client, the timeline of the received composite media stream (claims 5 and 11; column 16, lines 32-37: pitch extraction process).
- r. Regarding claim 16, Katseff shows wherein the composite media stream had its timeline altered at the network server in response to the speed designation accepted at the network client (column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied).
- s. Regarding claim 20, Katseff shows wherein the streaming comprises streaming the timeline-modified composite media stream from the network server to the network client at a rate that depends on the received speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-

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- column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- t. Regarding claim 21, Katseff shows wherein the streaming comprises streaming the timeline-modified composite media stream from the network server to the network client at a rate that is proportional to the received speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- u. Regarding claim 22, Katseff shows wherein streaming the second individual media stream from the network server to the network client comprises streaming the second individual media stream from the network server to the network client at a rate that is proportional to the speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- v. Regarding claim 23, Katseff shows wherein the accepting comprises accepting the speed designation input by a user of the network client by way of a graphical user interface at the network client (Fig. 5, , column 13, line 61-column 14, line 6: playback speed scroll bar).
- w. Regarding claim 25, Katseff shows wherein the graphical user interface has a scale mechanism with a movable slider that is movable over a range of speed designations

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to enable the user to position the slider and select a speed designation (Fig. 5, column 13, line 61-column 14, line 6: playback speed scroll bar).

Together Katseff and Kalra disclosed all limitations of claims 1-2, 4-16, 20-23 and 25.

Claims 1-2, 4-16, 20-23 and 25 are rejected under 35 U.S.C. 103(a).

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra and further in view of Trueblood (US 5893053 A), hereinafter referred as Trueblood.

- a. Katseff and Kalra show claim 1 as above. Katseff and Kalra do not show (claim 17) further comprising: presenting multiple play buttons in a graphical user interface at the network client, the multiple play buttons being associated with different playback speeds of the multimedia content; enabling the human user to select one of the play buttons; using, as the speed designation, a playback speed associated with the selected play button. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 17) further comprising: presenting multiple play buttons in a graphical user interface at the network client, the multiple play buttons being associated with different playback speeds of the multimedia content; enabling the human user to select one of the play buttons; using, as the speed designation, a playback speed associated with the selected play button (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.

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- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client and Trueblood's functions of user selectable fast forward and slow motion buttons.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49) and Trueblood (column 12, lines 18-38)'s teaching.
- e. Regarding claim 18, Trueblood shows further comprising: presenting a play button in a graphical user interface at the network client (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons). Katseff shows further comprising: presenting, in the graphical user interface, a scale mechanism with a range of playback speeds and a movable slider that is movable over the range of playback speeds; enabling the human user to move the slider to a playback speed within the range; using, as the speed designation, a playback speed referenced by the slider (Fig. 5, column 13, line 61-column 14, line 6: playback speed scroll bar).

Together Katseff, Kalra and Trueblood disclosed all limitations of claims 17-18. Claims 17-18 are rejected under 35 U.S.C. 103(a).

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6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra and further in view of Trueblood and Moran et al. (US 6332147 B1), hereinafter referred as Moran.

- a. Katseff and Kalra shows claim 1 as above. Katseff and Kalra do not show (claim 19) presenting a play button in a graphical user interface at the network client; presenting, in the graphical user interface, a menu associated with the play button, the menu listing multiple playback speeds from which the human user can select; enabling the human user to select a playback speed from the menu; and using, as the speed designation, a playback speed selected from the menu. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 19) presenting a play button in a graphical user interface at the network client (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.
- c. Moran shows (column 8, lines 22-30) player class with play function and speed parameter; and (column 23, lines 6-27) invocation through pull down menus in an analogous art of using graphic replay to control playback.
- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining

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available bandwidth from server to client and Trueblood's functions of user selectable fast forward and slow motion buttons and Moran's function of using menu to implement playback control.

- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood and Moran's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49) and Trueblood (column 12, lines 18-38) and Moran (Fig. 15)'s teaching.

Together Katseff, Kalra, Trueblood and Moran disclosed all limitations of claim 19. Claim 19 is rejected under 35 U.S.C. 103(a).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra and further in view of Trueblood.

- a. Katseff and Kalra show claims 10 and 23 as above. Neither Katseff nor Kalra shows (claim 24) wherein the graphical user interface has multiple play buttons associated with different speed designations. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 24) wherein the graphical user interface has multiple play buttons associated with different speed designations (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.

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- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client and Trueblood's functions of user selectable fast forward and slow motion buttons.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49) and Trueblood (column 12, lines 18-38)'s teaching.

Together Katseff, Kalra and Trueblood disclosed all limitations of claim 24. Claim 24 is rejected under 35 U.S.C. 103(a).

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra, Trueblood and further in view of Moran.

- a. Katseff and Kalra show claims 10 and 23 as above. Neither Katseff nor Kalra show (claim 26) wherein the graphical user interface has a play button and a menu associated with the play button, the menu listing multiple speed designations from which the user can select. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 26) wherein the graphical user interface has a play button (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward

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- buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.
- c. Moran shows (column 8, lines 22-30) player class with play function and speed parameter; and (column 23, lines 6-27) invocation through pull down menus in an analogous art of using graphic replay to control playback.
- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client, Trueblood's functions of user selectable fast forward and slow motion buttons and Moran's function of using menu to implement playback control.
- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood and Moran's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49), Trueblood (column 12, lines 18-38) and Moran (Fig. 15)'s teaching.

Together Katseff, Kalra, Trueblood and Moran disclosed all limitations of claim 26. Claims 26 is rejected under 35 U.S.C. 103(a).

Response to Arguments

9. Applicant's arguments filed on 09/30/2008 have been fully considered, but they are not persuasive.

- a. Applicant has made substantial amendment to independent claim 1. Examiner has reviewed the amendments in light of applicant's original specification and claim set. Examiner has further reviewed the claim rejections as per office action mailed on 09/30/2008 and applied prior arts, particularly Katseff and Kalra. It seems that Katseff and Kalra are still applicable to current claim set. Claim rejections are updated as above.
- b. Applicant does not raise any specific argument. Examiner has reviewed claim rejections and applied prior arts as above. Katseff and Kalra have described the general art of delivery multimedia content with mixed content, e.g. video and audio; different video and audio play back rate could be adjusted to accommodate different bandwidth. They seem to read upon the claimed invention as it is now, particularly on independent claims. Other arts used to address dependent claims seem to in the general art of play back. Thus it is examiner's position that applicant needs to further draw additional limitations from the original specification and claim set to differentiate from the applied prior arts to further the consideration of patentability.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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/Peling A Shaw/
Examiner, Art Unit 2444